

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CLARA VARGAS,

Plaintiff,

Case Number 14-10493
Honorable David M. Lawson
Magistrate Judge R. Steven Whalen

v.

CITY OF NOVI, MACY'S, KELLY
SERVICES, INFO TREE SERVICES,
US ATTORNEY, LEE GAVIN, ATTORNEY
GENERAL OF THE STATE OF MICHIGAN,
NISSAN MOTOR COMPANY, INC. and
UNITED STATES DEPARTMENT OF
JUSTICE, WASHINGTON D.C.,

Defendants.

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORTS AND
RECOMMENDATIONS, GRANTING DEFENDANT CITY OF NOVI'S MOTION TO
DISMISS AND FOR SUMMARY JUDGMENT, AND DENYING PLAINTIFF'S
AMENDED MOTIONS FOR PARTIAL SUMMARY JUDGMENT**

Presently before the Court are the reports issued on January 15, 2015 and January 17, 2015 by Magistrate Judge R. Steven Whalen pursuant to 28 U.S.C. § 636(b), recommending that the Court grant defendant City of Novi's motion to dismiss and for summary judgment and denying the plaintiff's amended motions for partial summary judgment. Although the report stated that the parties to this action could object to and seek review of the recommendation within fourteen days of service of the report, no objections have been filed thus far. The parties' failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the matter.

Thomas v. Arn, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the magistrate judge's reports and recommendations [dkt. #104, #105] are **ADOPTED**.

It is further **ORDERED** that the plaintiff's amended motion for partial summary judgment [dkt. #85] is **DENIED**.

It is further **ORDERED** that the plaintiff's amended motion for summary judgment [dkt. #27] is **DENIED**.

It is further **ORDERED** that the plaintiff's third motion for summary judgment [dkt. #25] is **DENIED**.

It is further **ORDERED** that the City of Novi's motion to dismiss and for summary judgment [dkt. #99] is **GRANTED**.

It is further **ORDERED** that all counts of the complaint are **DISMISSED WITH PREJUDICE** against the City of Novi.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: February 3, 2015

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on February 3, 2015.

s/Susan Pinkowski
SUSAN PINKOWSKI